

**Notice of Allowability**

Application No.

09/855,021

Examiner

Stephan F. Willett

Applicant(s)

JASEN ET AL.

Art Unit

2142

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/18/06.
2. ☒ The allowed claim(s) is/are 1-21 and 34-73.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☒ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
- ☒ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_



ANDREW CALDWELL  
SENIOR PATENT EXAMINER

**DETAILED ACTION**

***Examiner's Amendment***

1. Authorization for this Examiner's amendment was given in a telephonic interview with Mr. Hoffman on 8/18/06.

IN THE CLAIMS:

Subject to the authorization of Applicant, this proposed listing of claims would replace all prior versions, and listings, of claims in the application:

1. (Currently Amended)      A method of prioritizing network communications, comprising:

    providing a plurality of TCP ports with each TCP port receiving network communications of a different level of priority;

    providing an electronic coupon indicating a level of priority of a network communication;

    determining at a server based upon data, received from a client or user, from the electronic coupon the level of priority of the network communication; and

    directing the network communication from the client or user to one of the plurality of TCP ports receiving communications of the determined level of priority until the level of priority is terminated or modified.

2. (Original)    The method of claim 1, further comprising determining if the network communication should be provided prioritization based upon a URL or IP address associated with the network communication.

3. (Original)    The method of claim 2, wherein if it is determined that the network communication should not be provided prioritization, handling the network communication in a

normal manner without prioritization.

4. (Original) The method of claim 1, further comprising:  
determining from the electronic coupon quality of service (QoS) information; and  
applying the QoS information to the network communication.

5. (Original) The method of claim 1 wherein the network communications are Internet Protocol communications.

6. (Original) The method of claim 1 wherein the level of priority of a network communication is defined in relation to any one of customer value, content value, transaction value, or temporal value.

7. (Currently Amended) A method for prioritizing network services, the network services including communications traffic, the method comprising:

determining at a server based upon data, received from a client or user, in a coupon associated with the client or user~~a source~~, the coupon defining a mode of prioritization, that the communications traffic should receive prioritization; and

applying the mode of prioritization defined by the coupon to all subsequent communications traffic from the client or user~~source~~ until the mode of prioritization is terminated or modified.

8. (Original) The method of claim 7 wherein the coupon further defines a level of prioritization and applying the mode of prioritization further comprises applying the level of prioritization defined by the coupon to the communications traffic.

9. (Original) The method of claim 8 wherein the level of prioritization is defined in relation to any one of customer value, content value, transaction value, or temporal value.

10. (Original) The method of claim 7 wherein the mode of prioritization comprises any one of remapping a TCP port associated with the communications traffic to another TCP port, remapping a URL or IP address associated with the communications traffic to another URL or IP address, or tagging quality of service (QoS) information into the communications traffic.

11. (Original) The method of claim 7 wherein the network services are Internet services and the communications traffic is Internet communications traffic.

12. (Original) The method of claim 7, wherein determining that the communications traffic should receive prioritization comprises determining that the communications traffic should receive prioritization based upon a URL or IP address associated with the communications traffic.

13. (Original) The method of claim 7, further comprising:  
determining that the communications traffic should not receive prioritization; and

handling the communications traffic in a normal manner without prioritization.

14. (Original) The method of claim 7, further comprising providing a client to a user of the network services to perform the determining that the communications traffic should receive prioritization and applying the mode of prioritization defined by the coupon to the communications traffic.

15. (Currently Amended) A method for prioritizing network services, the network services including communications traffic, the method comprising:

determining at a server based upon data, received from a client or user, in a coupon associated with the client or user that the communications traffic from the a-client or user should receive a mode of prioritization; and

applying the mode of prioritization to all subsequent communications traffic from the client or user until the mode of prioritization is terminated or modified.

16. (Original) The method of claim 15 further comprising determining that the communications traffic should receive a level of prioritization and applying the mode of prioritization further comprises applying the level of prioritization to the communications traffic.

17. (Original) The method of claim 16 wherein the level of prioritization is defined in relation to any one of customer value, content value, transaction value, or temporal value.

18. (Original) The method of claim 15 wherein the mode of prioritization comprises any one of remapping a TCP port associated with the communications traffic to another TCP port, remapping a URL or IP address associated with the communications traffic to another URL or IP address, or tagging quality of service (QoS) information into the communications traffic.

19. (Original) The method of claim 15 wherein the network services are Internet services and the communications traffic is Internet communications traffic.

20. (Original) The method of claim 15, wherein determining that the communications traffic should receive prioritization comprises determining that the communications traffic should receive prioritization based on log-in information of a user associated with the communications traffic.

21. (Original) The method of claim 15, further comprising:  
determining that the communications traffic should not receive prioritization; and  
handling the communications traffic in a normal manner without prioritization.

22. -33. (Canceled)

34. (Currently Amended) A server for prioritizing communications traffic,  
comprising:  
an in-line prioritization unit to determine based upon data, received from a client or user,

Art Unit: 2142

in a coupon associated with the client or user that the communications traffic from the client or user ~~a source~~ should receive a mode of prioritization; and

a prioritization mode unit to apply the mode of prioritization to all subsequent communications traffic from the client or user ~~source~~ until the mode of prioritization is terminated or modified.

35. (Previously Presented) The server of claim 34, wherein the in-line prioritization unit is configured to determine that the communications traffic should receive a level of prioritization and the prioritization mode unit further is configured to apply the level of prioritization to the communications traffic.

36. (Original) The server of claim 35 wherein the level of prioritization is defined in relation to any one of customer value, content value, transaction value, or temporal value.

37. (Original) The server of claim 34, wherein the mode of prioritization includes any one of remapping a TCP port associated with the communications traffic to another TCP port, remapping a URL or IP address associated with the communications traffic to another URL or IP address, or tagging quality of service (QoS) information into the communications traffic.

38. (Original) The server of claim 34 wherein the communications traffic is Internet communications traffic.



Art Unit: 2142

39. (Previously Presented) The server of claim 34, wherein the in-line prioritization unit is configured to determine that communications traffic should receive a mode of prioritization based on log-in information of a user associated with the communications traffic.

40. (Currently Amended) A system for prioritizing network services, the network services including communications traffic, the system comprising:

means for determining at a server based upon data received from a client or user, in a coupon associated with the client or user~~a source~~, the coupon defining a mode of prioritization, that the communications traffic should receive prioritization; and

means for applying the mode of prioritization defined by the coupon to all subsequent communications traffic from the client or user~~source~~ until the mode of prioritization is terminated or modified.

41. (Original) The system of claim 40 wherein the coupon further defines a level of prioritization and the means for applying the mode of prioritization further comprises means for applying the level of prioritization defined by the coupon to the communications traffic.

42. (Original) The system of claim 41 wherein the level of prioritization is defined in relation to any one of customer value, content value, transaction value, or temporal value.

43. (Original) The system of claim 40 wherein the mode of prioritization comprises any one of remapping a TCP port associated with the communications traffic to another TCP port,

remapping a URL or IP address associated with the communications traffic to another URL or IP address, or tagging quality of service (QoS) information into the communications traffic.

44. (Original) The system of claim 40 wherein the network services are Internet services and the communications traffic is Internet communications traffic.

45. (Original) The system of claim 40, wherein the means for determining that the communications traffic should receive prioritization comprises means for determining that the communications traffic should receive prioritization based upon a URL or IP address associated with the communications traffic.

46. (Currently Amended) A system for prioritizing network services, the network services including communications traffic, the system comprising:

means for determining at a server based upon data, received from a client or user, in a coupon associated with the client or user that the communications traffic from the a-client or user should receive a mode of prioritization; and

means for applying the mode of prioritization to all subsequent communications traffic from the client or user until the mode of prioritization is terminated or modified.

47. (Original) The system of claim 46 further comprising means for determining that the communications traffic should receive a level of prioritization and the means for applying the mode of prioritization further comprises means for applying the level of prioritization to the

communications traffic.

48. (Original) The system of claim 47 wherein the level of prioritization is defined in relation to any one of customer value, content value, transaction value, or temporal value.

49. (Original) The system of claim 46 wherein the mode of prioritization comprises any one of remapping a TCP port associated with the communications traffic to another TCP port, remapping a URL or IP address associated with the communications traffic to another URL or IP address, or tagging quality of service (QoS) information into the communications traffic.

50. (Original) The system of claim 46 wherein the network services are Internet services and the communications traffic is Internet communications traffic.

51. (Original) The system of claim 46, wherein the means for determining that the communications traffic should receive prioritization comprises means for determining that the communications traffic should receive prioritization based on log-in information of a user associated with the communications traffic.

52. (Original) The system of claim 46, further comprising:  
means for determining that the communications traffic should not receive prioritization;  
and  
means for handling the communications traffic in a normal manner without prioritization.

53. (Currently Amended) A computer program product including computer program code to cause a computer to perform a method for prioritizing network services, the network services including communications traffic, the method comprising:

determining at a server based upon data, received from a client or user, in a coupon associated with the client or user~~a source~~, the coupon defining a mode of prioritization, that the communications traffic should receive prioritization; and

applying the mode of prioritization defined by the coupon to all subsequent communications traffic from the client or user~~source~~ until the mode of prioritization is terminated or modified.

54. (Original) The computer program product of claim 53 wherein the coupon further defines a level of prioritization and applying the mode of prioritization further comprises applying the level of prioritization defined by the coupon to the communications traffic.

55. (Original) The computer program product of claim 54 wherein the level of prioritization is defined in relation to any one of customer value, content value, transaction value, or temporal value.

56. (Original) The computer program product of claim 53 wherein the mode of prioritization comprises any one of remapping a TCP port associated with the communications traffic to another TCP port, remapping a URL or IP address associated with the communications

Art Unit: 2142

traffic to another URL or IP address, or tagging quality of service (QoS) information into the communications traffic.

57. (Original) The computer program product of claim 53 wherein the network services are Internet services and the communications traffic is Internet communications traffic.

58. (Original) The computer program product of claim 53, wherein determining that the communications traffic should receive prioritization comprises determining that the communications traffic should receive prioritization based upon a URL or IP address associated with the communications traffic.

59. (Original) The computer program product of claim 53, the method further comprising:

determining that the communications traffic should not receive prioritization; and  
handling the communications traffic in a normal manner without prioritization.

60. (Original) The computer program product of claim 53, the method further comprising providing a client to a user of the network services to perform the determining that the communications traffic should receive prioritization and applying the mode of prioritization defined by the coupon to the communications traffic.

61. (Original) A computer program product including computer program code to cause a

Art Unit: 2142

computer to perform a method of prioritizing network communications, the method comprising:

providing a plurality of TCP ports with each TCP port receiving network

communications of a different level of priority;

providing an electronic coupon indicating a level of priority of a network communication;

determining at a server based upon data, received from a client or user, from the electronic coupon the level of priority of the network communication; and

directing the network communication from the client or user to one of the plurality of TCP ports receiving communications of the determined level of priority until the level of priority is terminated or modified.

62. (Original) The computer program product of claim 61, the method further comprising determining if the network communication should be provided prioritization based upon a URL or IP address associated with the network communication.

63. (Original) The computer program product of claim 62 wherein the level of priority is defined in relation to any one of customer value, content value, transaction value, or temporal value.

64. (Original) The computer program product of claim 61, wherein if it is determined that the network communication should not be provided prioritization, handling the network communication in a normal manner without prioritization.

65. (Original) The computer program product of claim 61, further comprising:  
determining from the electronic coupon quality of service (QoS) information; and  
applying the QoS information to the network communication.

66. (Original) The computer program product of claim 61 wherein the network  
communications are Internet communications.

67. (Currently Amended) A computer program product including computer program  
code to cause a computer to perform a method for prioritizing network services, the network  
services including communications traffic, the method comprising:

determining at a server based upon data, received from a client or user, in a coupon  
associated with the client or user that the communications traffic from the a-client or user should  
receive a mode of prioritization; and

applying the mode of prioritization to all subsequent communications traffic from the  
client or user until the mode of prioritization is terminated or modified.

68. (Original) The computer program product of claim 67, the method further  
comprising determining that the communications traffic should receive a level of prioritization  
and applying the mode of prioritization further comprises applying the level of prioritization to  
the communications traffic.

69. (Original) The computer program product of claim 68 wherein the level of prioritization is defined in relation to any one of customer value, content value, transaction value, or temporal value.

70. (Original) The computer program product of claim 67 wherein the mode of prioritization comprises any one of remapping a TCP port associated with the communications traffic to another TCP port, remapping a URL or IP address associated with the communications traffic to another URL or IP address, or tagging quality of service (QoS) information into the communications traffic.

71. (Original) The computer program product of claim 67 wherein the network services are Internet services and the communications traffic is Internet communications traffic.

72. (Original) The computer program product of claim 67, wherein determining that the communications traffic should receive prioritization comprises determining that the communications traffic should receive prioritization based on log-in information of a user associated with the communications traffic.

73. (Original) The computer program product of claim 67, the method further comprising:

determining that the communications traffic should not receive prioritization; and  
handling the communications traffic in a normal manner without prioritization.



74. (Cancelled)

75. (Cancelled)

76. (Cancelled)

77. (Cancelled)

***Allowable Subject Matter***

1. Claims 1-21, 34-73 are allowed.

1. The following is an examiner's statement of reasons for allowance: independent claim(s) 1, 7, 15, 34, 40, 46, 53, 61, 67, provide a coupon that describes the level of priority for network communications to a sever from a client and directing network communications from the client with the described coupon's level of priority applied to all subsequent communications or to one of the TCP ports to receive said communications until the level is terminated to modified.

2. The closest prior art of record, Colby, does not teach prioritizing communications based on a coupon. Therefore, independent claims 1, 7, 15, 34, 40, 46, 53, 61, 67 are allowable over the prior art.

3. Claims 2-21, 35-39, 41-45, 47-52, 54-60, 62-66, 68-73 are allowed by the same rational as well as the further limitations added by these dependent claims.

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

1. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (571)272-3890. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.

1. If attempts to reach the examiner by telephone are unsuccessful, the examiner's

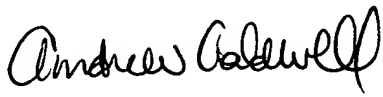
Art Unit: 2142

supervisor, Andrew Caldwell, can be reached on (571)272-3868. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

2. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2100.

sfw

August 22, 2006

  
ANDREW CALDWELL  
SUPERVISOR, PATENT EXAMINER